



Appeal Decision

Site visit made on 31 October 2023

by S Harrington MA MRTPI

an Inspector appointed by the Secretary of State

Decision date: 10 November 2023

Appeal Ref: APP/B1740/W/23/3317967

102 Northfield Road, Ringwood, Hampshire BH24 1SU

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant planning permission.
 - The appeal is made by Caspian Developments Limited against the decision of New Forest District Council.
 - The application Ref 22/11146, dated 30 September 2022, was refused by notice dated 14 February 2023.
 - The development proposed is demolish existing bungalow and erect 4no. detached houses with new vehicular access and parking.
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Decision

1. The appeal is dismissed.

Preliminary Matters

2. I have taken the description of development in the banner heading above from the application form. However as '(revised scheme)' is not an act of development, I have removed this element.
3. Following the decision of the Council, the appellant has supplied a completed unilateral undertaking (UU) which secures a contribution towards habitats mitigation in line with the Mitigation for Recreational Impacts on New Forest European Sites Supplementary Planning Document 2021; and an air quality monitoring contribution. These monies would be spent on projects to mitigate the adverse impact of the development on the integrity of the New Forest Special Area of Conservation, the New Forest Special Protection Area and the New Forest Ramsar site (the Habitat Sites). The Council has confirmed that its objections in this regard have been satisfactorily addressed.

Main Issues

4. The main issues are:
 - the effect of the proposal on the character and appearance of the area; and
 - the effect of the proposal on living conditions, with particular regard to overlooking of neighbouring properties, and the provision of private outdoor space for intended occupiers.

Reasons

Character and appearance

5. The appeal site encompasses a bungalow and large garden area located on the southern side of Northfield Road. The area features residential properties of differing scale and appearance including two storey dwellings and bungalows. The spatial relationship of dwellings within their gardens and a predominance of greenery contribute to the overriding character of the area, which is that of being spacious, open and verdant.
6. The Council's supplementary planning document 'Ringwood Local Distinctiveness Supplementary Planning Document (2013)' (SPD) provides guidance in order to improve the quality of new development and to assist in identifying the characteristics of a particular area that need to be appreciated in order to achieve this. The appeal site is within an area noted to be '*Larger garden spaces or groups of tranquil garden spaces*' within the SPD. I observed that although it appears the appeal site may have been cleared of foliage in the past, and dwellings surrounding the site, including those at Fairlie Park, are partially visible, this remains an accurate representation of the contribution of the appeal site to the area.
7. Furthermore, although I have identified a variation of built form and scale in the area and accept there is a variety of building to plot ratios, this variety does not diminish the important contribution the openness of the appeal site makes to the wider character and strong sense of place of the area.
8. The appearance of the proposed dwellings, particular those fronting Northfield Road, reflect design elements of nearby dwellings and also broadly align with the established set back of properties along Northfield Road. However, in combination with the roadside dwellings being in close proximity to the adjacent boundaries, overall massing and scale, hardstanding and close proximity to the central access road, there would be significant built form along the roadside frontage.
9. Moreover, the proposed dwellings to the rear of the site (units 2 & 3) whilst incorporating a relatively low eaves, due to their overall ridge height and massing would be conspicuous, particularly from Northfield Park and Edwina Close as a form of back-land development.
10. Although the resulting density of development may accord with that in the wider area, and back-land development in itself may not be harmful, the proposal would result in significant built form throughout the site, in an area where the spaciousness and verdant character is important to the sense of place and local distinctiveness of the area. The amount of built form would also be emphasised by a mixture of hardstanding required for parking and the access road, as well as noticeably restricted plot size within which the dwellings would be sited.
11. The proposal would therefore significantly diminish the identified character of the area. A comprehensive landscaping scheme is proposed, which would go some way to softening the appearance of the proposal and ensure an element of greenery is present within the scheme. Notwithstanding, given the expanse of built form, the landscaping would be insufficient to maintain the important contribution the site makes as a tranquil larger garden area.

12. Back-land development is not a predominant form of development in the vicinity. Notwithstanding, an example to the rear of 92 Northfield Road has been drawn to my attention. However, I observed that these properties, retain the appearance of a frontage to Fairlie Park, albeit behind a modest block of garaging and therefore significantly differs from the appeal site and proposal before me.
13. An appeal decision¹ that is cited by the appellant also relates to back-land development. However, this differs from the current proposal in several ways. It concerns a proposal for a single dwelling at a differing site. As opposed to this proposal, the Inspector noted it would be sited within a large plot with a large rear garden. Thereby that Inspector concluded it would not appear out of character in the context of that area.
14. A further appeal decision² has also been drawn to my attention. This appeal also differs in that it related to two dwellings at a differing site. Whilst there are some similarities in that this appeal site also related to a site noted within the SPD as being a '*larger garden space or groups of tranquil garden space*', the Inspector noted that it is bordered by higher density development and did not have a particular tranquil or open character in itself. This differs from the appeal site before me, in that whilst it may be the case that development along Fairlie Park is of higher density, the glimpse views of these dwellings do not impact the contribution the site makes to the spacious, open character. For the above reasons, the equivalence of the other cases to the current proposal are limited. Moreover, the current appeal proposal has its own circumstances, and I shall determine it on its own merits.
15. Consequently, I conclude on this main issue that the proposal would have a harmful effect on the character and appearance of the area. The proposal would be contrary to Policy ENV3 of the New Forest District outside the New Forest National Park Local Plan 2016-2036 Part One: Planning Strategy(LP). This Policy, Amongst other things, seeks to ensure that development achieves high quality design that contributes positively to local distinctiveness and enhances the character of the area. Furthermore, for the same reasons, the proposal would also be contrary to guidance outlined within the SPD relating to the same.

Living conditions

16. Units 2 and 3 would feature first floor windows serving bedrooms which face south towards the rear gardens and elevations of neighbouring properties along Fairlie Park. The glazing configuration features windows of vertical and roof light elements and whilst the appellant states that the effective window cills would be above 1.1m finished floor level, it is not clear how this could be achieved in relation to the lower glazed panes given their position indicated on the proposed elevation plans.
17. Notwithstanding, the appellant has stated that the windows would be some 31m from the rear elevation of the neighbouring properties, and some 8.2m from the laurel hedge boundary, which it is proposed to retain. Whilst the proposal would inevitably result in some additional overlooking, parts of the rear gardens of properties along Fairlie Park are already overlooked by their

¹ APP/B1740/W/16/3153107

² APP/B1740/W/19/3237893

neighbouring properties. Given the distances between the proposed windows and the neighbouring properties and gardens, which are not unusual in a residential area, as well as the intervening boundary treatment, any resulting overlooking would not be significantly harmful to neighbouring occupiers living conditions.

18. Furthermore, the proposed private garden areas range in size, as stated by the appellant, to be between 106m² – 154m². Although the southern boundary planting as described above, is to be retained in order to limit any overlooking, this would also result in some shading of the proposed rear gardens of units 2 and 3. However, given the size and depth of gardens, the proposal would provide intended occupiers sufficient and appropriate outdoor space to utilise and enjoy.
19. Consequently, I conclude on this main issue that the proposal would not have a significant detrimental impact on neighbouring occupiers living conditions due to overlooking, and the proposal would provide sufficient and appropriate outdoor space for its intended occupiers. In this regard, the proposal accords with the elements of LP Policy ENV3, which requires amongst other things, development to not unacceptably affect living conditions of occupiers of residential properties. It would also be consistent with the provisions of the National Planning Policy Framework (Framework) which seek to provide high standards of living conditions for existing and future users.

Other Matters

20. Given the appeal sites proximity to the Habitat Sites, a UU has been submitted which seeks to mitigate against potential harm to the Habitat Sites. In addition, the development would, in combination with other developments, have an adverse effect on the integrity of the River Avon Special Area of Conservation and Ramsar site, due to additional phosphate discharge, unless phosphate neutrality or adequate mitigation is achieved. The Council has suggested that this matter be dealt with by means of a Grampian style planning condition.
21. In the context of this appeal, the responsibility for assessing the effects of the proposal on the Habitats Sites falls to me as the competent authority. If I were minded to allow the appeal, I would need to carry out an Appropriate Assessment (AA). However, as the first main issue provides clear reasons for dismissing the appeal, I have not had cause to pursue undertaking an AA. As a consequence, I have not considered these matters further, since any findings on these issues would not change the appeal outcome.

Planning Balance and Conclusion

22. The Council has confirmed that it is unable to demonstrate a five-year supply of deliverable housing sites. It considers that it has a 3.07 year supply. As such, Paragraph 11 of the Framework applies, which states that relevant policies for the supply of housing should not be considered up to date where a five-year housing land supply cannot be demonstrated. Paragraph 11 states that where relevant policies are out of date, permission should be granted unless the application of policies in the Framework that protect areas or assets of particular importance, provides a clear reason for refusing the development proposed, or the adverse impacts of doing so would significantly and demonstrably outweigh the benefits when assessed against the policies in the

Framework taken as a whole or specific policies in the Framework indicate that development should be restricted.

23. Paragraph 8 of the Framework defines the three dimensions of sustainable development as performing economic, social and environmental objectives. Paragraph 60 of the Framework refers to boosting significantly the supply of homes, and four additional dwellings would make a modest contribution towards addressing the Council's housing supply deficit.
24. Moreover, they could be built out relatively quickly, having regard to Paragraph 69 of the Framework. There would be short term economic benefits as a result of job creation and associated support of facilities and services in the local area during the construction of the dwellings, and economic and social benefits as a result of their future occupation. These considerations weigh in favour of the development, and I afford them moderate weight, having regard to the modest size of the proposed housing development.
25. The adverse impacts are derived from the identified harm to the character and appearance of the area. Paragraph 130 of the Framework is clear that new development should function well and add to the overall quality of an area. It highlights that development should be visually attractive and sympathetic to local character and surrounding built environment whilst paragraph 134 states that development that is not well designed should be refused, especially where it fails to reflect local design policies, taking into account supplementary planning documents such as design guides.
26. Whilst acknowledging the deficit in the Council's supply of housing, a high standard of design is also a key aspect of sustainable development. The harm I have identified to the character and appearance of the area would be significant. As a result, the social objective of sustainable development, of encouraging well-designed and beautiful places, would not be achieved.
27. The Framework encourages the effective and efficient use of land in meeting the need for homes, avoiding low densities, and support the development of under-utilised land to help meet identified housing needs. However, these matters are not unqualified and would not address or outweigh the aforementioned harm that I have identified in respect of the character and appearance of the area. I acknowledge the proposal would be in a location close to services and facilities and public transport networks. Nevertheless, this is a requirement of current national and local planning policies in any case, and does not outweigh my conclusions on the first main issue.
28. Furthermore, even if I were to agree with the Council that the appeal scheme does not result in any harmful effects in respect of matters including highway safety and is in a location where the principle of the development is accepted, in terms of the planning balance, the lack of identified harm is a neutral factor that does not lessen the harm that I have identified.
29. I acknowledge that the proposal represents an amended scheme from that which was the subject of a previous application which sought to improve the appearance of the proposal, incorporate high quality design and overcome the Council's previous concerns. However, this does not alter my findings in respect of the current proposal, which I must determine on the merits of the appeal scheme before me.

30. Accordingly, notwithstanding whether footnote 7 to Paragraph 11 of the Framework applies with respect to the Habitats Sites, I have found that, when assessed against the policies in the Framework taken as a whole, the adverse impacts would significantly and demonstrably outweigh the benefits. Therefore, the proposal would not be a sustainable form of development.
31. The proposal would conflict with the development plan, read as a whole and there are no other material considerations, including the provisions of the Framework, which outweigh this finding. Therefore, for the reasons given, the appeal is dismissed.

S Harrington MA MRTP

INSPECTOR